

**REMARKS/DISCUSSION:**

This Amendment A is being filed within three months after the shortened statutory period for response that ended on July 23, 2003. Accordingly, a Petition for a Three-Month Extension of Time is attached hereto.

Applicants have carefully studied the outstanding Office Action. This Amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Applicants appreciatively acknowledge the Examiner's comments with regard to the IDS of April 1, 2002 (paper no. 4). Applicants will submit a revised IDS with corrected patent numbers.

Claims 1-10 were pending in the application. Claims 6-10 have been canceled without prejudice to the Applicants. Upon entry of this amendment, claims 1-5 will be pending.

**Amendments**

Claims 1, 3 and 4 have been amended to more clearly claim the relationship of the first and second tissue contacting surfaces. In view of the amendments and discussion below, Applicants request reconsideration of the current rejections.

**Rejection under 35 U.S.C. § 112**

Claims 4 and 5 have been rejected for failing to particularly point out and distinctly claim the subject matter. Claim 4 has been amended to overcome this rejection.

**Rejection under 35 U.S.C. § 102(b)**

Claims 1-10 have been rejected in view of Yates et al. ('811). Claims 6-10 have been canceled. Claims 1, 3 and 4 have been amended to include an electrode surface providing a first compressive force to the tissue and a second, electrically insulated tissue contacting surface, which provides a second compressive force to the tissue that is greater than the first

compressive force. Applicants respectfully submit that this claimed feature is neither disclosed nor suggested by Yates et al.

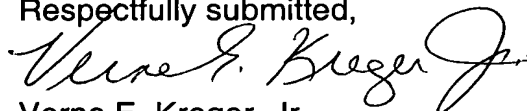
### **Conclusion**

Applicants submit that in view of the amendments and discussion, the rejections under 35 U.S.C. §§ 112 and 102 have been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END-766/VEK. This Authorization is being submitted in triplicate.

Respectfully submitted,



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